

sion to bring suit against the State in such claims.

Read and referred to Committee on Internal Improvements.

The Chair gave notice of signing and did sign,

House bill No. 676, being "An act to amend sections 6, 8, 9, 10, 14, 15, 61 and 185 of an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, and section 161 of said act as amended in 1891 and repeal section 10 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140 and 158 of an act entitled an act to incorporate the city of Dallas, and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws, and to conform the same to the objections of the Governor in his veto message of March 18, 1893," after the caption of same had been read.

On motion of Senator Simpson, Senate adjourned till to-morrow morning at 10 o'clock.

#### SIXTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 30, 1893.

Senate met pursuant to adjournment.

President pro tem Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

#### PRESENT—27.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Crowley,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Woods,
Kearby,	Yoakum.

#### EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, we thank Thee for this glorious day—this shadowless flood of solar light, fragrant with the incense of a thousand flowers, and vocal with

the bird songs from a thousand boughs. Teach us that the light we now see is but the dim emblem of the higher glory infinite in lustre which makes the splendor of the unseen day of heaven. May we live and labor as becometh children of the light. Deliver us from every shadow of ignorance and sin. May our inner life be like a temple filled with the light of God. Bring us to stand at last redeemed and saved amid the shadowless blaze of the uncreated light and to Thy name be all the praise. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Lawhon, the reading of the same was suspended.

On motion of Senator Steele Secretary Kennedy was excused for non-attendance on last Tuesday and Wednesday on account of importance business.

On motion of Senator Boren Assistant Journal Clerk Thweatt was excused for to-day on important business.

On motion of Senator Yoakum, the journal of yesterday was corrected to show that on Senator Presler's motion to reconsider the vote by which Senate bill No. 181 failed to pass, he voting "nay," was paired with Senator Baldwin voting "yea."

On motion of Senator Dean, the journal of yesterday was corrected to show that on Senator Presler's motion to reconsider the vote by which Senate bill No. 181 failed to pass, he voting "yea," was paired with Senator Cranford, voting "nay."

#### COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 29, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 348, entitled "An act to amend title 47, chapter 5, of the Revised Civil Statutes by adding thereto articles 2509a and 2509b,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SMITH, Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 29, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 643, being "An act to regulate and restrict the issuance of bonds by counties, cities and towns; to prevent funding of floating indebted-

edness; to prescribe a method by which all questions of irregularity in the execution of bonds shall be determined; to prescribe a rule of evidence in relation thereto, and to define and punish offenses committed in connection with the issuance of such bonds."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

SMITH, Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 29, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 85, entitled "An act to regulate assignments for the benefit of creditors to declare what act shall operate as such assignment and to prescribe rules for administering the same and to provide penalties for the violation of this act and to repeal an act entitled an act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder, approved March 24, 1879, and to repeal an act entitled an act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors and to regulate the same and the proceedings thereunder," approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not pass*.

SMITH, Acting Chairman.

#### MINORITY REPORT.

COMMITTEE ROOM,  
AUSTIN, TEXAS, March 29, 1893.

Hon. M. M. Crane, President of the Senate:

The minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 85, entitled "An act to regulate assignments for the benefit of creditors, to declare what act shall operate as such assignment and to prescribe rules for administering the same and to provide penalties for the violation of this act and to repeal an act entitled an act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder, approved March 24, 1879, and to repeal an act entitled an act to amend sections 3, 6 and 10 of an act in relation to assignments, for the benefit of creditors, and to regulate the same and proceedings thereunder, approved March 24, 1879,

approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith,"

Differ with a majority of said committee and think said bill should pass for the following reasons:

Said bill should pass and become a law because it prevents unjust discrimination by a debtor of his creditors; prevents an honest, well meaning debtor from being attached by a harsh creditor and his entire assets being applied to the payment of one debt while all other creditors get nothing upon debts equally just. It will prevent the creation of fictitious debts pretending to be due parties and making a mortgage on his entire property for the payment of such debts while honest and just debts go unpaid, and for many reasons that could be given we believe this bill should pass. We therefore differ from a majority of said committee and respectfully recommend that it *do pass*.

E. L. AGNEW,  
J. M. PRESLER,  
C. H. YOAKUM.

#### HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, March 30, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill to-wit:

House bill No. 636, "An act to give the State the full right, power and remedy of writs and proceedings of injunction for the enforcement of the Constitution, to protect her rights and to prevent, prohibit and restrain the violation of revenue and penal laws, and to prescribe the duties and fees of officers in relation thereto."

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

#### IN SENATE.

House bill No. 636, "An act to give the State the full right, power and remedy of writs and proceedings of injunction for the enforcement of the Constitution to protect the rights and to prevent, prohibit and restrain the violation of the revenue and penal laws, and to prescribe the duties and fees of officers in relation thereto."

Read first time and referred to Judiciary Committee No. 2.

#### BILLS AND RESOLUTIONS.

By Senator Crowley:

Senate concurrent resolution in-

structing the Governor of Texas to communicate with the Governors of the States of Nebraska, North and South Dakota, Minnesota, Iowa, Kansas, Missouri, Arkansas and the Territory of Oklahoma, with a view to assembling a convention of delegates from each of said States and Territory for the purpose of discussing and maturing ways and means looking to the construction and operation of a railroad by said States and Territory and Texas.

Senator Browning moved to refer the resolution to the Committee on Commerce and Manufacturing.

Senator Crowley moved to table the motion to refer.

Tabled by the following vote:

YEAS—13.

Atlee,	Presler,
Bowser,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Woods,
Greer,	Yoakum.
Hutchison,	

NAYS—10.

Agnew,	Kearby,
Boren,	Lawhon,
Browning,	Lewis,
Imboden,	Steele,
Jester,	Tips.

ABSENT—5.

Douglass,	McKinney,
Goss,	Swayne.
McComb,	

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Steele moved to refer the resolution to the Committee on Internal Improvements.

Senator Imboden made the point of order that under Senate rules 31 and 37 the resolution could not properly be considered at present.

Not sustained.

Senator Yoakum moved to postpone consideration to to-morrow morning, and that the resolution be printed in the journal.

Lost.

Senator Crowley moved to table the motion to refer.

Lost.

The motion to refer to Committee on Internal Improvements was adopted.

Call concluded.

Senator Presler moved to suspend regular business and to take up

Substitute House bill No. 227, entitled "An act to define franchises; to make public the value of railroads; to

make effective section 6, article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the railroad commission and the Attorney General in relation thereto."

Lost by the following vote:

YEAS—8.

Agnew,	Imboden,
Boren,	Kearby,
Bowser,	Lawhon,
Dickson,	Presler.

NAYS—18.

Atlee,	Lewis,
Browning,	McComb,
Crowley,	Shelburne,
Dean,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Woods,
Jester,	Yoakum.

ABSENT—1.

Swayne.

PRESENT, NOT VOTING—1.

McKinney.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

The Chair then laid before the Senate,

House bill No. 1, entitled "An act to repeal chapter 100 of the General Laws of Texas, passed by the Twenty-second Legislature, April 11, 1891, entitled an act to protect stock raisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal chapter 119, relating to the same subject, approved April 2, 1887, and to provide for a reward for scalps when ordered by the commissioners court of any county."

Bill read second time with committee amendments.

First committee amendment read and adopted.

Second committee amendment read and

Lost by the following vote:

YEAS—11.

Agnew,	Greer,
Atlee,	Jester,
Boren,	Kearby,

Browning,  
Dickson,  
Goss,

Lawhon,  
Lewis,

NAYS—13.

Crowley,  
Dean,  
Hutchison,  
Imboden,  
McKinney,  
Shelburne,  
Simpson,

Smith,  
Steele,  
Swayne,  
Tips,  
Woods,  
Yoakum.

ABSENT—4.

Bowser,  
Douglass,

McComb,  
Presler.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Senator Atlee moved to reconsider the vote by which the first committee amendment" was adopted.

Reconsidered.

By Senator Imboden:

Amend first committee amendment: strike out the word "freeholders," and insert in lieu thereof the words "qualified voters."

Lost.

The first committee amendment was then lost.

Senator Imboden moved to reconsider the vote by which the amendment was lost, and to lay that motion on the table.

The motion to table was lost by the following vote:

YEAS—10.

Atlee,  
Imboden,  
Lewis,  
McKinney,  
Shelburne,

Simpson,  
Steele,  
Tips,  
Woods,  
Yoakum.

NAYS—14.

Agnew,  
Boren,  
Browning,  
Crowley,  
Dean,  
Dickson,  
Douglass,

Goss,  
Greer,  
Hutchison,  
Jester,  
Kearby,  
Lawhon,  
Smith.

ABSENT—4.

Bowser,  
McComb,

Presler,  
Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

The Chair directed the Secretary to read the third committee amendment.

Senator Imboden made the point of order that the first part of his motion, namely, to reconsider had not been acted on.

The Chair held that the vote refusing to table also refused to reconsider

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as the question had been put as a whole and no division called for.

Third committee amendment read.

Senator Goss withdrew his request to consider the amendments separately, and moved the previous question on the bill and pending committee amendments, which was duly seconded and prevailed.

Pending committee amendments lost.

The bill was then passed to its third reading by the following vote:

YEAS—15.

Agnew,  
Atlee,  
Boren,  
Crowley,  
Dean,  
Douglass,  
Goss,  
Greer,

Jester,  
Kearby,  
Lewis,  
Steele,  
Tips,  
Woods,  
Yoakum.

NAYS—8.

Browning,  
Dickson,  
Hutchison,  
Imboden,

Lawhon,  
Shelburne,  
Simpson,  
Smith,

ABSENT—5.

Bowser,  
McComb,  
McKinney,

Presler,  
Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

The Chair then laid before the Senate,

House bill No. 44, entitled "An act to authorize the rescue of girls and boys under the age of 12 years from the custody of improper persons."

Senator Smith moved to suspend pending business and take up substitute House bills Nos. 30, 115, etc., educational bill.

Lost by the following vote (requiring two-thirds):

YEAS—17.

Agnew,  
Atlee,  
Browning,  
Crowley,  
Dean,  
Douglass,  
Goss,  
Greer,  
Imboden,

Lawhon,  
Lewis,  
McComb,  
Simpson,  
Smith,  
Swayne,  
Woods,  
Yoakum.

NAYS—9.

Boren,  
Dickson,  
Hutchison,  
Jester,  
Kearby,

McKinney,  
Shelburne,  
Steele,  
Tips.

ABSENT—2.

Bowser,

Presler.



## EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

Senator Goss moved that the Senate amendments to said bill be printed in the journal.

Senator Jester moved as a substitute that the bill be printed as amended by the Senate committee.

Senator Imboden moved as an amendment that such amendments as were adopted by the committee be printed.

Senator Jester accepted the amendment.

Senator Lawhon made the point of order that the above motions were out of order for the reason that when the committee reported the bill adversely the amendments were likewise lost.

Sustained.

Pending further action, Senator Yoakum entered a motion to reconsider the vote by which the salary of the chief clerk of the department of agriculture, insurance, statistics, history and geology was reduced from \$1800 to \$1200, the agricultural clerk from \$1500 to \$1200 and the historical clerk from \$1500 to \$1200, and same was ordered spread upon the journal.

On motion of Senator Dickson the Senate adjourned to 3 p. m. to-day.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

President Pro Tem Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

## PRESENT—27.

Agnew,	Kearby,
Atlee,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Crowley,	Presler,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

## ABSENT—1.

Shelburne.

## EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

(Senator Imboden in the chair.)

The Chair laid before the Senate,

House bill No. 44, entitled "An act to authorize the rescue of girls and boys under the age of 12 years from the custody of improper persons."

Bill read second time.

By Senator Agnew:

Amend section 1 by striking out the word "natural," in line 4, and insert after the word "guardian" the words "or parent."

By Senator Browning:

Substitute the amendment as follows: After the word "natural," in line 4, section 1, add the words "or legal."

Senator Agnew accepted the substitute.

Substitute lost.

Bill passed to its third reading.

Senator Kearby moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Carried by the following vote:

## YEAS—24.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Crowley,	McComb,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

## NAYS—NONE.

## ABSENT—4.

Boren,	Presler,
McKinney,	Shelburne.

## EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

The bill was read third time and passed by the following vote:

## YEAS—24.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	Lawhon,
Browning,	Lewis,
Crowley,	McComb,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Woods,
Imboden,	Yoakum.

## NAYS—NONE.

## ABSENT—4.

Boren,	Presler,
McKinney,	Shelburne.

## EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

The Chair laid before the Senate, House bill No. 91, entitled "An act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters; to fix a tax upon all persons or associations of persons selling such liquors; to define the time and manner of collecting such tax; to fix penalties for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act," on second reading.

Senator Smith moved to suspend pending business and take up Substitute House bills Nos. 30, 115, etc. (Educational bill.)

Lost by the following vote (requiring two-thirds):

## YEAS—15.

Agnew,	Imboden,
Atlee,	Lawhon,
Bowser,	Lewis,
Crowley,	Simpson,
Dean,	Smith,
Douglass,	Swayne,
Goss,	Tips.
Greer,	

## NAYS—8.

Browning,	Kearby,
Dickson,	Steele,
Hutchison,	Woods,
Jester,	Yoakum.

## ABSENT—5.

Boren,	Presler,
McComb,	Shelburne.
McKinney,	

## EXCUSED—3.

Baldwin, Whitaker.  
Cranford,

House bill No. 91 read second time with committee amendments.

(President Pro Tem Kearby in the chair.)

First, second, third, fourth, fifth, and sixth committee amendments read and adopted severally.

Seventh committee amendment read.

By Senator Tips:

Substitute for seventh committee amendment:

Amend by striking out section 9 of the House bill and insert in lieu thereof section 9 as printed below after striking out of said section all after the word "business," line 21, down to and including the word "establishment" in line 23, and also strike out the word "one" in line 7 and insert the word "five."

Adopted.

On the question of adopting the amendment as substituted, Senator

Yoakum called for a division of same.

First part, to-wit: Amend by striking out "section 9" of the House bill and insert in lieu thereof "section 9" as printed below."

Adopted.

Second part, to-wit: After striking out of said section all after the word "business," line 21, down to and including the word "establishment," in line 23.

By Senator Simpson:

Substitute:

Amend by striking out the word "or" and insert the word "and," in line 23, page 15, and insert after the word "establishment" the words "without the permission of his parent or guardian."

By Senator Yoakum:

Amend the substitute as follows:

Amend by striking out "parent" and insert "parents."

Senator Simpson accepted the amendment.

The substitute as amended was lost.

Second part then lost.

Third part, to-wit: And also strike out the word "one," in line 7, and insert the word "five."

Adopted.

Eighth committee amendment read and adopted.

Senator Lewis moved to consider the bill by sections.

Carried.

Section 1 read.

Senator Dickson moved to postpone further consideration till to-morrow after call, and that the bill be correctly printed.

Lost.

Section 2 read.

By Senator Dean:

Amend by inserting in line 6, section 2, before the word "city" where it first appears, the words "any incorporated," and strike out the word "a" in said line.

Adopted.

Section 3 read.

Section 4 read.

Section 5 read.

By Senator Tips:

Amend section 5 by adding "all" after the word "year" in line 2 to and including the word "therein" in line 11 of the printed bill.

Adopted.

Section 6 read.

Section 7 read.

Section 8 read.

Section 9 read.

By Senator Atlee:

Amend section 9 as amended:

Strike out "to any minor," in line 14, and insert in line 14, after the

word "bitters," the following: "To any person on Sunday, nor to any minor at any time."

By Senator Lawhon:

Substitute:

Amend section 9 by inserting between the words "not" and "sell" in line 11, the following: "keep open his house, saloon or place of business on Sunday, and will not sell, barter or give away any spirituous, vinous or malt liquors to any person on Sunday nor."

Senator Lewis made the point that the substitute was not in order as a substitute, since it proposed to amend a different part of the section to be amended by the amendment of Senator Atlee.

Senator Lawhon withdrew his substitute.

Senator Simpson moved to adjourn to to-morrow, 10 a. m.

Lost.

Senator Atlee's amendment was then adopted by the following vote:

YEAS—15.

Agnew,	Jester,
Atlee,	Kearby,
Bowser,	Lawhon,
Browning,	Presler,
Dean,	Steele,
Dickson,	Wood,
Douglass,	Yoakum.
Imboden,	

NAYS—9.

Crowley,	Shelburne,
Greer,	Simpson,
Hutchison,	Smith,
Lewis,	Tips.
McComb,	

ABSENT—4.

Boren,	McKinney,
Goss,	Swayne.

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

Senator Presler moved to adjourn till to-morrow at 10 a. m.

Senator Imboden moved to adjourn to 8 p. m. to-day.

The vote occurring on the longest time, Senator Presler's motion was lost by the following vote:

YEAS—12.

Atlee,	Lewis,
Crowley,	McComb,
Dean,	Presler,
Dickson,	Shelburne,
Greer,	Simpson,
Hutchison,	Tips.

NAYS—13.

Agnew,	Lawhon,
Bowser,	McKinney,

Browning,
Douglass,
Imboden,
Jester,
Kearby,

Smith,
Steele,
Woods,
Yoakum.

ABSENT—3.

Boren,	Swayne.
Goss,	

EXCUSED—3.

Cranford,	Whitaker.
Baldwin,	

Senator Imboden's motion was then lost by the following vote:

YEAS—8.

Bowser,	Kearby,
Dean,	Lewis,
Imboden,	Simpson,
Jester,	Smith.

NAYS—17.

Agnew,	McComb,
Atlee,	McKinney,
Browning,	Presler,
Crowley,	Shelburne,
Dickson,	Steele,
Douglass,	Tips,
Greer,	Woods,
Hutchison,	Yoakum.
Lawhon,	

ABSENT—3.

Boren,	Swayne.
Goss,	

EXCUSED—3.

Baldwin,	Whitaker.
Cranford,	

By Senator Lawhon:

Amend sec. 9 by inserting between the words "not" and "sell" in line 11, the following: "keep open his house, saloon or place of business on Sunday, and will not sell, barter or give away any spirituous, vinous or malt liquors to any person on Sunday, nor"

Senator Dickson moved to adjourn to 9.30 a. m. to-morrow.

Lost.

Senator Shelburne moved a call of the Senate, which was ordered, the following Senators answering to their names:

PRESENT—26.

Agnew,	Kearby,
Atlee,	Lawhon,
Bowser,	Lewis,
Browning,	McComb,
Crowley,	McKinney,
Dean,	Presler,
Dickson,	Shelburne,
Douglass,	Simpson,
Goss,	Smith,
Greer,	Steele,
Hutchison,	Tips,

Imboden,  
Jester,

Woods,  
Yoakum.

ABSENT WITHOUT LEAVE—2.

Boren,

Swayne.

EXCUSED—3.

Baldwin,  
Cranford,

Whitaker.

Seator Swayne was announced.

By consent Senator Goss sent up the following minority report, and asked that same be printed in the journal. So ordered.

#### MINORITY COMMITTEE REPORT.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, March 30, 1893.

Hon. M. M. Crane, President of the Senate:

Sir: We, minority of your Committee on Education to whom was referred

Substitute House bills Nos. 30, 115, etc., beg leave to differ from a majority of said committee in reporting said bill unfavorably and respectfully submit the following as some of the reasons why said bill should pass.

It presents the school law altogether in a consistent and comprehensive form, making it plain, where in some instances it is now obscure, curing several defects in the existing law that could otherwise be remedied only by separate bills amending different portions of said law, and embodying some excellent features not found in the law as it now exists.

Among these improvements may be mentioned the following:

1. The law for distributing the school funds to the counties, cities and towns is made clear and specific.

2. The law requiring county superintendents to make monthly apportionments of the school fund is repealed.

3. A county superintendent or county judge is allowed to approve the voucher of a teacher as soon as he finishes a month and makes the required report.

4. The law in regard to the schools for white and colored children is so changed as to require impartial provision for both races instead of requiring that each race shall receive its full pro rata of the school fund.

5. The law in regard to holidays is made clear and specific.

6. The scholastic age is changed so as to read from 8 to 17, instead of from 8 to 16.

7. Provision is made for the payment of the salary of the county judge or county superintendent quarterly instead of in November after the close of the school year.

8. The terms of trustees is made two years instead of one, as in the present law.

9. Provision is made for permanent teachers' certificates.

10. Provision is made for using 25 per cent of the school fund of any district for a period of five years for building school houses.

11. Provision is made for increasing diminishing or abrogating a school tax.

12. Authority is given to consolidate adjacent school districts into one district when necessary for the good of the school system.

These are some of the principal changes sought by the bill. There are other minor points of improvement. The bill is not entirely free from defects and needs considerable pruning and the addition of some amendments; but even in its present form is a decided improvement on the school law as it now exists.

For these reasons we believe that the bill should not have been reported unfavorably, but that it should pass with the following amendments:

Amend section 3, line 18, by inserting after the word "because" the word "due," and by striking out the word "amount" and inserting "payment."

Amend by adding section 9a as follows:

(a.) One per cent of the full value of what is known, held and controlled by the State of Texas as the permanent school fund, shall be transferred annually hereafter to the credit of the available school fund of the State, as belonging to it, and a part of the same, and which henceforward shall constitute a part of the State's available school fund, and to be used and applied for the support, maintenance and benefit of the public free schools of the State, as now or hereafter may be provided by law.

(b.) It shall be the duty of the Comptroller and the State Treasurer to notify the State board of education of the amount to the credit of the permanent school fund on the first to the fifteenth day of July each and every year. The said statement shall show the amount invested in bonds, the amount of outstanding land notes, and the amount of cash on hand to the credit of the permanent school fund. Upon the receipt of this information the State board of education shall estimate one per cent of the said permanent school fund, and shall issue directions to the said Comptroller and State Treasurer to



transfer the one per cent of the permanent fund thus found to the credit of the available school fund.

(c.) It shall be the duty of the State Comptroller and State Treasurer, upon the receipt and delivery to them by said board of education, of the showing and statement aforesaid, to transfer and place to the credit of the available school fund of the State the amount found and ascertained by said board of education, as aforesaid, and accruing from the 1 per cent of value of the permanent school fund, and transferred to the available school fund under section 1 of this act. Provided, that no part of the value thereof, of the unsold public land belonging to said fund shall be included or considered by the Comptroller and State Treasurer in ascertaining the amount to be transferred from the permanent to the available free school fund.

(d.) It shall be the duty of the State board of education and Comptroller, in the management and investment of the permanent school fund, to provide, reserve and set apart in cash, annually, an amount sufficient of same to meet the 1 per cent annual transfer to the available fund.

3. Strike out section 17 and insert the following:

Sec. 17. All public schools in this State shall be required to have taught in them orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and composition and other branches as may be agreed on by the trustees or directed by the State Superintendent.

4. Amend section 19, line 4, by striking out "inclusive" and inserting "exclusive."

5. Strike out section 24 and insert therefor the following:

Sec. 24. He shall cause to be printed for general distribution such number of copies of the school laws as may at any time be necessary, to be determined by the State Board of Education.

6. Amend section 26a by adding:

Provided that city treasurers and treasurers of city school boards having exclusive control of its schools shall be required to include in their reports statements of the status of the permanent county school fund.

7. Amend section 35b, lines 26 and 27, by striking out "countersigned by the clerk of the county court."

8. Strike out section 37 and insert the following substitute:

"Sec. 37. The office of county superintendent of public instruction is here-

by created; and the commissioners court of any county in the State may, when in their judgment it may be advisable, provide for the election at each general election of some person of educational attainments, good moral character, and executive ability, a qualified voter of said county, and the holder of a first grade teacher's certificate, who shall hold his office for the term of two years, and until his successor is elected and qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected, as hereinbefore provided, and shall have qualified."

9. Amend section 37d, line 60, by striking out "and not exceeding six thousand."

10. Add to section 37, subdivisions I and J, as follows:

Sec. I. The county commissioners court of any county in this State shall have the power and authority, when in their judgment such court may deem it advisable, to abolish the office of county superintendent of public instruction in their county by an order entered on the minutes of their court at a regular term thereof.

Sec. J. Whenever such office is abolished the county judge of such county shall, from the date of said order, perform the duties of such office, and the county superintendent shall immediately turn over to such county judge all the books, papers, records and other school property in his possession.

11. Amend section 38e by adding the following: "Provided, that if any such balance shall exceed \$5 per capita, according to the last scholastic census, then such excess over \$5 per capita shall be reapportioned to the school districts of the county."

12. Amend section 49, line 1 by striking out the words "that levy a school tax."

Also amend section 49, lines 3, 4 and 5 by striking out all after the word "districts" in lines 2 and 3 down to and including the word "trustees" in line 5, and in line 13 strike out the word "such" where it occurs after the word "in." Also amend line 14 after the word "districts" by inserting the words "that levy a special school tax."

13. Add to section 54: "Provided that this restriction shall not apply to

salaries of teachers in districts which levy a local tax for school purposes."

14. Amend section 57, line 3 by inserting after the word "just" the following: "Provided that in admitting pupils over and under the scholastic age the school shall not be overcrowded to the neglect and injury of pupils within the scholastic age."

15. Amend section 63, line 3, by inserting after the word "him" the following: "A certificate of three good and well known citizens, or."

16. Strike out section 74 and change numbers of other sections to correspond.

17. Amend section 81 by striking out all after the word "district," in line 4, down to and including "dollars," in line 8.

18. Amend section 83, line 12, by striking out "superintendent" and inserting "judge."

19. Amend section 97 by adding the following: "Provided that the following counties shall be and the same are hereby exempted from the district system provided in this act, to-wit: Freestone, Limestone, Robertson, Van Zandt, Smith, Montgomery, Trinity, Polk, San Jacinto, Cass, Bowie, Bosque, Lee, Burleson, Washington and Bastrop; and nothing herein contained shall be construed to repeal any of the laws now in force as to said counties for the government of schools in counties under the community system, but said laws are hereby expressly continued in full force and operation in the counties above specified."

20. Strike out the engrossed rider. Respectfully submitted,

D. F. Goss,  
WALTER TIPS.

#### HOUSE MESSAGE.

#### HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, March 30, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House desires the return of House bill No. 636, a motion to reconsider being pending in the House.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

Senator Kearby moved that the request of the House be granted.

Carried.

On motion of Senator Smith, the Senate adjourned to 10 a. m. tomorrow by the following vote:

YEAS—17.

Agnew, Lewis,  
Atlee, McComb.

Crowley, McKinney,  
Dean, Presler,  
Dickson, Shelburne,  
Douglass, Simpson,  
Goss, Smith,  
Greer, Tips.  
Hutchison,

NAYS—9.

Browning, Steele,  
Imboden, Swayne,  
Jester, Woods,  
Kearby, Yoakum,  
Lawhon,

ABSENT—2.

Boren, Bowser.

EXCUSED—3.

Baldwin, Whitaker,  
Cranford,

#### SIXTY-NINTH DAY.

#### SENATE CHAMBER.

AUSTIN, TEXAS, March 31, 1893.

Senate met pursuant to adjournment.

President Pro Tem. Kearby in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—28.

Agnew, Kearby,  
Atlee, Lawhon,  
Boren, Lewis,  
Bowser, McComb,  
Browning, McKinney,  
Crowley, Presler,  
Dean, Shelburne,  
Dickson, Simpson,  
Douglass, Smith,  
Goss, Steele,  
Greer, Swayne,  
Hutchison, Tips,  
Imboden, Woods,  
Jester, Yoakum.

EXCUSED—3.

Baldwin, Whitaker,  
Cranford,

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, Thou hast entrusted us with solemn responsibilities; enable us to understand their meaning, to feel their pressure, and to respond with all our strength to their demands. May we labor as those who esteem duty and honor above the applause of men, and who love truth because it is the speech of God. Sanctify to our personal good, not only our experience in this place, but all the manifold discipline of life. Give to us such control of all events and circumstances that